

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-758

August 31, 2001

PUBLIC UTILITIES COMMISSION
Investigation into Use of Central Office
Codes (NXXs) by New England Fiber
Communications, LLC d/b/a Brooks Fiber

ORDER ALLOWING
FURTHER PROVISION
OF GRANDFATHERED
RX SERVICE

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order we again permit New England Fiber Communications, LLC d/b/a Brooks Fiber (Brooks) to continue to provide the RX service the Commission has permitted it to provide on a limited, grandfathered basis for its remaining customers. Brooks may provide the grandfathered service to all of its remaining customers until 60 days after Verizon Maine offers Hub-PRI service in all of the service areas of the independent incumbent local exchange carriers (ILECs) (otherwise known as independent telephone companies, or ITCs). We grant the present extension requests because of difficulties faced by Brooks's customers in obtaining alternative service and because of difficulties in implementing the Verizon service in areas served by ITCs; we do not otherwise desire to allow a service we have found to be unlawful to continue. We intend that there should be no further extensions. Brooks shall provide notice of this new deadline to its remaining customers.

In our prior orders we found that Brooks had offered an "FX-like" service on an unauthorized basis, but we also required it to file rates, terms and conditions for that service (labeled "RX") service on a grandfathered basis for those customers who were subscribers at the time of the Commission's findings and Order No. 4, issued on May 26, 2000 and June 30, 2000. We have previously granted extensions for the grandfathered service on a customer-by-customer basis to various deadlines that we considered were realistic when we issued the orders. We now have pending three requests for further extensions. Not all of the requests are related to the fact that Verizon and the ITCs have been unable to implement the service in ITC service areas. Indeed, two of the requesters do not plan to use the Verizon service. Nevertheless, because of difficulties encountered in the implementation of the Hub-PRI service in Verizon's own service area and delays in its implementation in the ITC areas, we expect that we will receive other requests for extension of the Brooks grandfathered service. We note that the North American Numbering Plan Administrator (NANPA) cannot, as a practical matter, recover the NXX codes we have ordered it to recover until Brooks terminates the grandfathered service for the last customer.

We expect that Verizon, with full cooperation from the ITCs, will implement the Hub-PRI service without any further delays before the end of this year. Verizon has stated to our staff that it will provide a proposed schedule for implementation in the ITC areas by September 15, 2001.

Accordingly, we

ORDER

1. That New England Fiber Communications, LLC d/b/a Brooks Fiber (Brooks) may provide grandfathered RX service to its existing customers until 60 days after Verizon Maine offers Hub-PRI service in all of the service areas of the independent telephone companies.
2. Within 10 days following this Order, Brooks shall provide written notice to each of those customers that the grandfathered RX service will terminate 60 days after implementation of the Verizon PRI-HUB service in the service areas of the independent incumbent local exchange carriers, and that the remaining customers should make other arrangements for substitute service after that date. Brooks shall file copies of those notices with the Commission.
3. Verizon shall provide notice to Brooks of the date that it implements PRI-Hub service in the service areas of the independent incumbent local exchange carriers immediately upon implementation, and Brooks shall provide further notice to its remaining customers that its service will terminate 60 days later.

Dated at Augusta, Maine, this 31st day of August, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond

COMMISSIONER ABSENT: Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.